

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**DANNY M ALOMA GONGORA,**

Plaintiff,

v.

**SB NORTHWEST INVESTMENTS, LLC**  
dba **EAGLE TRAILER**  
**MANUFACTURING; RICK BARNES**, an  
individual; and **CINDY POWELSON**,

Defendants.

Case No. 3:23-cv-97-YY

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on March 31, 2025. Judge You recommended that this Court grant Plaintiff's Motion for Equitable Tolling of Collective Action Opt-In and toll the limitations period for the time between November 16, 2023, and October 29, 2024. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1). If a party objects to a magistrate judge's findings and recommendations, "the court

shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Rule 72(b) of the Federal Rules of Civil Procedure recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, the Court follows the recommendation of the Advisory Committee and reviews Judge You’s Findings and Recommendation for clear error on the face of the record. No such error is apparent.

The Court ADOPTS Judge You’s Findings and Recommendation, ECF 46, and GRANTS Plaintiff’s Motion for Equitable Tolling of Collective Action Opt-In, ECF 38. The Court tolls the limitations period from November 16, 2023, through October 29, 2024.

**IT IS SO ORDERED.**

DATED this 28th day of April, 2025.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge